

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DEVROL PALMER,

Petitioner,

v.

16-CV-285-V
ORDER

MICHAEL PHILLIPS, Field Office Director
and Removal, Buffalo Field Office, Bureau
of Immigration and Customs Enforcement;
DEPARTMENT OF HOMELAND
SECURITY; TODD TRYON, Facility
Director, Buffalo Federal Detention
Facility; BUFFALO FEDERAL
DETENTION FACILITY,¹

Respondents.

The petitioner, Devrol Palmer, who currently is detained at the Buffalo Federal Detention Facility and is subject to a final order of removal, acting *pro se*, seeks relief under 28 U.S.C. § 2241. The petitioner alleges that his continued detention pending removal from the United States is unlawful, as detailed more precisely in his Petition for Writ of Habeas Corpus. See Docket Item 1. Mr. Palmer has paid the \$5.00 filing fee. See Docket Item 1.

Accordingly, IT HEREBY IS ORDERED as follows:

1. The respondents shall file an **answer** responding to the allegations in the petition with the Clerk of Court no later than **45 days** after service of this Order. Alternatively, the respondents may file a motion to dismiss the petition no later than **45**

¹ The Clerk of Court shall amend the caption as set forth above.

days after service of this Order. Any motion to dismiss shall be accompanied by relevant exhibits that demonstrate why an answer to the petition is unnecessary.

The respondents also shall file with the Clerk of Court, within **45 days**, a **memorandum of law**, addressing each issue raised in the petition and including citations to relevant supporting authority. Along with all citations to sections of the Immigration and Naturalization Act, the respondents shall include parallel references to the appropriate sections of Title 8 of the United States Code.

Within **25 days** of receiving the answer, the petitioner shall file a **written response** to the answer or motion to dismiss and to the memorandum of law.

2. The Clerk of Court shall serve a copy of the petition by certified mail, together with a copy of this Order, upon the following:

- Facility Director, Buffalo Federal Detention Center, 4250 Federal Drive, Batavia, New York 14020;
- Buffalo Field Office Director, Detention & Removal Office, Immigration and Customs Enforcement Department of Homeland Security, 130 Delaware Avenue, Buffalo, NY 14202;
- Office of General Counsel, Department of Homeland Security, Washington, D.C. 20528;
- Director, Bureau of Immigration and Custom Enforcement, 425 I Street N.W., Washington, D.C. 20536;
- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, D.C. 20530; and

- United States Attorney for the Western District of New York, Civil Division,
138 Delaware Avenue, Buffalo, New York 14202.

**THE PETITIONER SHALL FORWARD A COPY OF ALL FUTURE PAPERS
AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE
RESPONDENTS.**

SO ORDERED.

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

DATED: June 9, 2016
Buffalo, New York